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EXAMINER

JERABEK, KELLY L

ART UNIT	PAPER NUMBER
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2622

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	01/03/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No.	Applicant(s)	
	10/068,254	VALE ET AL.	
	Examiner	Art Unit	
	Kelly L. Jerabek	2622	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 August 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 and 10-28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7 and 10-28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 October 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

Applicant's arguments with respect to claims 1-14 have been considered but are moot in view of the new ground(s) of rejection.

Applicant's arguments filed 8/18/2006 have been fully considered but they are not persuasive.

Response to Remarks:

Applicant's arguments (Amendment page 13) state that claim 15 has been amended to disclose "...automatically providing notification of completion of transfer of information by one of illumination or extinguishing of a light on said data capture device". However, claim 15 has not been amended. Therefore, any arguments regarding the failure of the Bateman and Yamada references to disclose automatically providing notification of completion of the transfer of information by one of illumination or extinguishing of a light on said data capture device is moot.

Applicant's arguments regarding claim 15 (Amendment page 13) state that the combination of the Bateman and Yamada references does not teach or suggest

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automatically providing notification of completion of a transfer of information. The Examiner respectfully disagrees. Yamada discloses in figures 1-3 a camera capable of accepting an auxiliary memory card (MC). The camera includes a liquid crystal display section (30) that displays a plurality of icon marks (46-66) according to the operation modes of the camera (col. 3, lines 60-67). When the memory card (MC) is attached to the camera, icon mark (64) is displayed thus verifying that the connection has been established and the microprocessor (MPU1) instructs microprocessor (MPU2) to perform processing operations (col. 6, line 53 – col. 7, line 10). **When the camera is in the copying mode of copying image data from the main memory (MM) to the memory card (MC), icon mark (62) automatically provides a notification that a transfer of information is in process (col. 4, lines 32-35; col. 9, line 59 – col. 10, line 15). Each time an individual image is transferred and copied the values of icon marks (56, 60) are changed (col. 11, line 59 – col. 12, line 10). Therefore, icon marks (56,60) provide notification of successful completion of the transfer of information.** Thus, it can be seen that the Yamada reference provides a teaching of automatically providing notification of completion of a transfer of information.

Applicant's arguments regarding claims 16-17, 19-20, 23-24 and 26-28 (Amendment page 14) state that the Okada reference does not teach or suggest automatically providing notification of completion of a transfer of information. However, as discussed above the Yamada reference provides this teaching. Therefore, it can be

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seen that the combination of the Bateman, Yamada and Okada references discloses all of the limitations of claims 16-17, 19-20, 23-24 and 26-28.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-3 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bateman et al. US 2002/0194414 in view of Yamada et al. US 6,239,837 and further in view of Terakado et al. US 2002/0001042.

Re claim 1, Bateman discloses a method facilitating transfer of information from a data capture device (102) to a host device (108,112) (page 2, paragraphs 21-22), the method comprising: upon connection of a data capture device (102) to a host device (108,112) that is capable of communicating with the data capture device (102), automatically verifying that a connection has been established between the data capture device (102) and the host device (page 3, paragraph 28) and automatically initiating an immediate transfer of information from the data capture device (102) (pages

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2-3 paragraph 23). However, although the Bateman reference discloses all of the above limitations it fails to specifically state that upon connection of the data capture device and to the host device notification that a transfer of information is in process and notification of successful completion of the transfer of information is automatically provided.

Yamada discloses in figures 1-3 a camera capable of accepting an auxiliary memory card (MC). The camera includes a liquid crystal display section (30) that displays a plurality of icon marks (46-66) according to the operation modes of the camera (col. 3, lines 60-67). When the memory card (MC) is attached to the camera, icon mark (64) is displayed thus verifying that the connection has been established and the microprocessor (MPU1) instructs microprocessor (MPU2) to perform processing operations (col. 6, line 53 – col. 7, line 10). When the camera is in the copying mode of copying image data from the main memory (MM) to the memory card (MC), icon mark (62) automatically provides a notification that a transfer of information is in process (col. 4, lines 32-35; col. 9, line 59 – col. 10, line 15). **Each time an individual image is transferred and copied the values of icon marks (56, 60) are changed (col. 11, line 59 – col. 12, line 10). Thus, icon marks (56,60) provide notification of successful completion of the transfer of information.** Therefore, it would have been obvious for one skilled in the art to have been motivated to automatically provide notification that a transfer of information is in process and automatically provide notification of successful completion of a transfer of information as disclosed by Yamada in the system configured to transfer data between a peripheral device and a host as disclosed by

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Bateman. Doing so would provide a means for allowing a user of an image capture device to view the transfer status of image data being transferred from the image capture device to a host. However, although the combination of the Bateman and Yamada references discloses all of the above limitations, the combination fails to state that notification of successful completion of a transfer of information is provided by illumination or extinguishing of a light on the data capture device.

Terakado discloses a remote controller (1) that is capable of communicating with multiple electronic devices (3,9,13) (figure 2). Terakado states that CPU (1a) turns on LED (100) to indicate that information is being transferred and the CPU (1a) turns off the LED (100) to indicate the information transfer has finished (page 5, paragraphs 74-84). Thus, it can be seen that it is well known to illuminate or extinguish an LED to notify a user of a device of a transfer state of the device. Therefore, it would have been obvious for one skilled in the art to have been motivated to include an LED to indicate the completion of an information transfer as disclosed by Terakado in the camera system disclosed by the combination of Bateman and Yamada. Doing so would provide a means for providing an indication that a transfer of information is either in process or has been completed.

Re claims 2 and 3, Terakado states that the notification that the transfer of information is in process is provided by illumination of a light (LED 100) (page 5, paragraph 75).

Re claim 6, when the camera disclosed by Yamada is in the copying mode of copying image data from the main memory (MM) to the memory card (MC), icon mark (62) automatically provides a notification that a transfer of information is in process (col. 4, lines 32-35; col. 9, line 59 – col. 10, line 15). Icon mark (62) is displayed on LCD (30) therefore the icon mark (62) is a notification that a transfer of information is in process that is provided on an LCD (30).

Claims 4-5, 7 and 10-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bateman et al. in view of Yamada in view of Terakado et al. and further in view of Okada US 6,630,954.

Re claim 4, the combination of the Bateman, Yamada and Terakado references disclose all of the limitations of claims 1 and 2 above. However, although the Terakado reference discloses an LED (100) for providing a notification of information transfer it fails to state that the LED blinks periodically while the transfer of information is in process.

Okada discloses an image pickup apparatus including an image erasure status notification function. If the image data has already been transferred, a message is provided to the user indicating that the image to be erased has already been transferred to another storing area (col. 2, lines 54-62). The message is provided to the user using either a flickering LED, a display of an LCD, or a sound generation of a buzzer (col. 2,

lines 41-53). Therefore, it would have been obvious for one skilled in the art to have been motivated to include the concept of using an flickering LED or a buzzer for user notification as disclosed by Okada in the system configured to transfer data between a peripheral device and a host as disclosed by the combination of Bateman, Yamada and Terakado. Doing so would provide a means for flickering an LED or sounding a buzzer in order to provide notifications to a user of a camera (Okada: col. 2, lines 54-62).

Re claim 5, the combination of the Bateman, Yamada and Terakado references disclose all of the limitations of claims 1 and 2 above. However, although the Terakado reference discloses an LED (100) for providing a notification of information transfer it fails to state that the LED is green.

Okada discloses an image pickup apparatus including an image erasure status notification function. If the image data has already been transferred, a message is provided to the user indicating that the image to be erased has already been transferred to another storing area (col. 2, lines 54-62). The message is provided to the user using either a flickering LED, a display of an LCD, or a sound generation of a buzzer (col. 2, lines 41-53). Additionally, the LED disclosed by Okada is green to confirm that an image has been transferred (col. 2, lines 41-46). Therefore, it would have been obvious for one skilled in the art to have been motivated to include the concept of using an flickering LED or a buzzer for user notification as disclosed by Okada in the system configured to transfer data between a peripheral device and a host as disclosed by the

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combination of Bateman, Yamada and Terakado. Doing so would provide a means for flickering an LED or sounding a buzzer in order to provide notifications to a user of a camera (Okada: col. 2, lines 54-62).

Re claim 7, the combination of the Bateman, Yamada and Terakado references disclose all of the limitations of claims 1 and 2 above. However, although the Terakado reference discloses an LED (100) for providing a notification of information transfer it fails to state that a notification that the transfer of information is in process is provided by an audio signal.

Okada discloses an image pickup apparatus including an image erasure status notification function. If the image data has already been transferred, a message is provided to the user indicating that the image to be erased has already been transferred to another storing area (col. 2, lines 54-62). The message is provided to the user using either a flickering LED, a display of an LCD, or a sound generation of a buzzer (col. 2, lines 41-53). Therefore, it would have been obvious for one skilled in the art to have been motivated to include the concept of using an flickering LED or a buzzer for user notification as disclosed by Okada in the system configured to transfer data between a peripheral device and a host as disclosed by the combination of Bateman, Yamada and Terakado. Doing so would provide a means for flickering an LED or sounding a buzzer in order to provide notifications to a user of a camera (Okada: col. 2, lines 54-62).

Re claim 10, the combination of Bateman, Yamada and Terakado discloses all of the limitations of claims 1 above. Yamada also states the when the capacity of the auxiliary memory is insufficient before the whole image is transferred icon mark (60) indicates the number of uncopied image data (col. 12, lines 11-49). However, the combination of Bateman, Yamada and Terakado does not specifically disclose an automatic notification of failure if the transfer of information is not successfully completed.

Okada discloses an image pickup apparatus including an image erasure status notification function. If the image data has not been transferred, a message is provided to the user indicating that the image to be erased has not been transferred to another storing area (col. 2, line 63 - col. 3, line 24). The message is provided to the user using either a flickering LED, a display of an LCD, or a sound generation of a buzzer (col. 3, lines 1-10). Therefore, it would have been obvious for one skilled in the art to have been motivated to include the concept of using an LED or a buzzer to notify a user that a transfer of information was not successfully completed as disclosed by Okada in the system configured to transfer data between a peripheral device and a host as disclosed by the combination of Bateman, Yamada and Terakado. Doing so would provide a means for flickering an LED or sounding a buzzer in order to provide notifications to a user of a camera that an image has not yet been transferred (Okada: col. 3, lines 11-19).

Re claim 11, Okada states that a red LED is lit to notify the user that the image to be erased is not transferred (col. 3, lines 1-4).

Re claims 12-13, see claim 11.

Re claim 14, Okada states that a message on an LCD is used to notify the user that the image to be erased is not transferred (col. 3, lines 4-8).

Claims 15, 18, 21-22 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yamada et al. US 6,239,837 in view of Bateman et al. US 2002/0194414.

Re claim 15, Bateman discloses a method facilitating transfer of information from a data capture device (102) to a host device (108,112) (page 2, paragraphs 21-22), the method comprising: upon connection of a data capture device (102) to a host device (108,112) that is capable of communicating with the data capture device (102), automatically verifying that a connection has been established between the data capture device (102) and the host device (page 3, paragraph 28) and automatically initiating an immediate transfer of information from the data capture device (102) (pages 2-3 paragraph 23). However, although the Bateman reference discloses all of the

above limitations it fails to specifically state that upon connection of the data capture device and to the host device notification that a transfer of information is in process and notification of successful completion of the transfer of information is automatically provided.

Yamada discloses in figures 1-3 a camera capable of accepting an auxiliary memory card (MC). The camera includes a liquid crystal display section (30) that displays a plurality of icon marks (46-66) according to the operation modes of the camera (col. 3, lines 60-67). When the memory card (MC) is attached to the camera, icon mark (64) is displayed thus verifying that the connection has been established and the microprocessor (MPU1) instructs microprocessor (MPU2) to perform processing operations (col. 6, line 53 – col. 7, line 10). When the camera is in the copying mode of copying image data from the main memory (MM) to the memory card (MC), icon mark (62) automatically provides a notification that a transfer of information is in process (col. 4, lines 32-35; col. 9, line 59 – col. 10, line 15). Each time an individual image is transferred and copied the values of icon marks (56, 60) are changed (col. 11, line 59 – col. 12, line 10). Therefore, icon marks (56,60) provide notification of successful completion of the transfer of information. Therefore, it would have been obvious for one skilled in the art to have been motivated to automatically provide notification that a transfer of information is in process and automatically provide notification of successful completion of a transfer of information as disclosed by Yamada in the system configured to transfer data between a peripheral device and a host as disclosed by Bateman. Doing so would provide a means for allowing a user of an image capture

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device to view the transfer status of image data being transferred from the image capture device to a host.

Re claim 18, when the memory card (MC) is attached to the camera, icon mark (64) is displayed on LCD (30) thus verifying that the connection has been established and the microprocessor (MPU1) instructs microprocessor (MPU2) to perform processing operations (col. 6, line 53 – col. 7, line 10).

Re claim 21, when the camera is in the copying mode of copying image data from the main memory (MM) to the memory card (MC), icon mark (62) automatically provides a notification on LCD (30) that a transfer of information is in process (col. 4, lines 32-35; col. 9, line 59 – col. 10, line 15).

Re claims 22 and 25, each time an individual image is transferred and copied the values of icon marks (56, 60) on LCD (30) are changed (col. 11, line 59 – col. 12, line 10). Therefore, icon marks (56,60) provide notification of successful completion of the transfer of information.

Claims 16-17, 19-20, 23-24 and 26-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bateman et al. in view of Yamada and further in view of Okada US 6,630,954.

Re claim 16, the combination of the Bateman and Yamada references discloses all of the limitations of claim 15 above. However, the notifications provided by Yamada are icon marks that are displayed on an LCD. The combination of Bateman and Yamada does not specifically state that the notifications are light emitting diodes or audio signals.

Okada discloses an image pickup apparatus including an image erasure status notification function. If the image data has already been transferred, a message is provided to the user indicating that the image to be erased has already been transferred to another storing area (col. 2, lines 54-62). The message is provided to the user using either a flickering LED, a display of an LCD, or a sound generation of a buzzer (col. 2, lines 41-53). Therefore, it would have been obvious for one skilled in the art to have been motivated to include the concept of using an LED or a buzzer for user notification as disclosed by Okada in the system configured to transfer data between a peripheral device and a host as disclosed by Bateman in view of Yamada. Doing so would provide a means for flickering an LED or sounding a buzzer in order to provide notifications to a user of a camera (Okada: col. 2, lines 54-62).

Re claim 17, the LED disclosed by Okada is green to confirm that an image has been transferred (col. 2, lines 41-46). Okada also states that in addition to the color and flickering period of the LED, the light-on time of the LCD is used to provide notifications to the user of a camera (col. 6, line 65 – col. 7, line 10).

Re claims 19-20 and 23, the combination of the Bateman and Yamada references discloses all of the limitations of claim 15 above. However, the notifications provided by Yamada are icon marks that are displayed on an LCD. The combination of Bateman and Yamada does not specifically state that the notification consists of a blinking light emitting diode.

Okada discloses an image pickup apparatus including an image erasure status notification function. If the image data has already been transferred, a message is provided to the user indicating that the image to be erased has already been transferred to another storing area (col. 2, lines 54-62). The message is provided to the user using either a flickering LED, a display of an LCD, or a sound generation of a buzzer (col. 2, lines 41-53). Therefore, it would have been obvious for one skilled in the art to have been motivated to include the concept of using an LED or a buzzer for user notification as disclosed by Okada in the system configured to transfer data between a peripheral device and a host as disclosed by Bateman in view of Yamada. Doing so would provide a means for flickering an LED or sounding a buzzer in order to provide notifications to a user of a camera (Okada: col. 2, lines 54-62).

Re claim 24, the combination of the Bateman, Yamada and Okada references discloses all of the limitations of claim 23 above. Yamada uses icon marks (56,60) to provide notification of successful completion of transfer of information but does not specifically state that the notification is provided by extinguishing a light on the data capture device. The Examiner takes **Official Notice** that it is well known in the art to illuminate an LED on a device that is transferring data during the transfer of the data and to turn off the LED when the transfer is completed. Therefore, it would have been obvious for one skilled in the art to have been motivated to provide an LED that is turned off when the transfer of data is completed in place of the icon marks (56,60) for providing visual notification of successful completion of transfer of information.

Re claim 26, the combination of the Bateman and Yamada references disclose all of the limitations of claims 15 above. Yamada also states the when the capacity of the auxiliary memory is insufficient before the whole image is transferred icon mark (60) indicates the number of uncopied image data (col. 12, lines 11-49). However, the combination of the Bateman and Yamada references does not specifically disclose an automatic notification of failure if the transfer of information is not successfully completed.

Okada discloses an image pickup apparatus including an image erasure status notification function. If the image data has not been transferred, a message is provided

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to the user indicating that the image to be erased has not been transferred to another storing area (col. 2, line 63 - col. 3, line 24). The message is provided to the user using either a flickering LED, a display of an LCD, or a sound generation of a buzzer (col. 3, lines 1-10). Therefore, it would have been obvious for one skilled in the art to have been motivated to include the concept of using an LED or a buzzer to notify a user that a transfer of information was not successfully completed as disclosed by Okada in the system configured to transfer data between a peripheral device and a host as disclosed by Bateman in view of Yamada. Doing so would provide a means for flickering an LED or sounding a buzzer in order to provide notifications to a user of a camera that an image has not yet been transferred (Okada: col. 3, lines 11-19).

Re claim 27, Okada states that a red LED is lit to notify the user that the image to be erased is not transferred (col. 3, lines 1-4).

Re claim 28, Okada states that a message on an LCD is used to notify the user that the image to be erased is not transferred (col. 3, lines 4-8).

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

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§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Contacts

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kelly L. Jerabek whose telephone number is **(571) 272-7312**. The examiner can normally be reached on Monday - Friday (8:00 AM - 5:00 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vivek Srivastava can be reached on **(571) 272-7304**. The fax phone number for submitting all Official communications is **(703) 872-9306**. The fax phone number for submitting informal communications such as drafts, proposed amendments, etc., may be faxed directly to the Examiner at **(571) 273-7312**.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

KLJ



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